

PROB 12B
(7/93)

UNITED STATES DISTRICT COURT

for

Middle District of Pennsylvania/Harrisburg

Request for Modifying the Conditions or Term of Supervision with Consent of the Offender

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Carmen Rosado Case Number: 1:CR-00-290-03
Name of Sentencing Judicial Officer: The Honorable Yvette Kane
Date of Original Sentence: May 10, 2001
Original Offense: Accessory After the Fact - Drug Trafficking (18 USC § 3)
Original Sentence: 2 years probation w/special conditions requiring 50 hours community service work,
4 months home confinement, and payment of a \$2,000 fine
Type of Supervision: Probation Date Supervision Commenced: May 10, 2001

PETITIONING THE COURT

☐ To extend the term of probation for _____ years, for a total term of __ years.

☒ To modify the conditions of supervision as follows:

The defendant shall be intermittently confined to the custody of the Bureau of Prisons, specifically Cumberland County Prison, 1101 Claremont Road, Carlisle, PA, from 7:00 p.m. each Friday until 5:00 p.m. each Sunday, for three consecutive weekends, commencing as directed by the probation officer. The defendant shall report to the Cumberland County Prison pursuant to this schedule and shall comply with the rules of the facility.

FILED
HARRISBURG, PA

APR 25, 2005

MARY E. D'ANDREA, CLERK
Per _____

Request for Modifying the
Conditions or Term of Supervision
with Consent of Offender

CAUSE

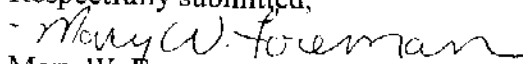
Ms. Rosado commenced probation in the Eastern District of New York. Initially, she maintained a stable residence with her fiancée's family, during which she completed her home detention and community service. In December 2001, she left that residence, and a pattern of numerous address changes and erratic employment developed. In February 2003, the Court was advised of Ms. Rosado's supervision adjustment problems and on February 12, 2003, Your Honor extended Ms. Rosado's probation for 3 years or until full payment of her fine, whichever occurs first. In August 2003, Ms. Rosado relocated to York, PA and her probation supervision was transferred to the Middle District.

On April 11, 2004, Ms. Rosado was issued a citation for disorderly conduct. On April 14, 2004, she pled not guilty. Following a hearing on May 27, 2004 before York County District Justice Ronald Haskell, Jr., Ms. Rosado was found guilty and ordered to pay a fine and costs totaling \$367.50. On July 1, 2004, District Justice Haskell sent a letter to Ms. Rosado advising her that she failed to establish a payment plan and he directed her to comply. Ms. Rosado neglected to respond and an arrest warrant was issued. After being arrested on the warrant and jailed, Ms. Rosado paid the fine and costs in full. Ms. Rosado failed to inform the probation officer about this entire matter until the probation officer confronted her.

On December 18, 2004, Ms. Rosado was arrested by Lancaster City Police and charged with retail theft (misdemeanor). Allegedly, Ms. Rosado and her sister attempted to conceal a quantity of toys, valued at \$416.87, and leave Boscov's Department Store, Park City Mall, Lancaster, without paying for the merchandise. Ms. Rosado waived a preliminary hearing and the case is pending in Lancaster County Court. Despite the opportunity to do so, Ms. Rosado again failed to inform the probation officer about her arrest until the probation officer confronted her about the incident. Ms. Rosado has since expressed remorse for her conduct.

In view of the foregoing, the Court could proceed with revocation action. In the alternative, the Court may allow Ms. Rosado to continue under supervision and modify her conditions to require intermittent confinement as a sanction. To this end, Ms. Rosado, has agreed to a period of intermittent confinement. Such a sanction would enable her to continue working temporary employment assignments, maintain her position on the public housing waiting list, and care for her five-year old son.

Attached is a Waiver of Hearing to Modify Conditions which was signed by Ms. Rosado.

Respectfully submitted,

by Mary W. Foreman
Supervising U.S. Probation Officer
Date: April 15, 2005

THE COURT ORDERS:

☒ The modification of conditions as noted above
☐ Other


Yvette Kane, U.S. District Judge

4/21/05
Date

PROB 49

UNITED STATES DISTRICT COURT

Middle District of Pennsylvania

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

"The defendant shall be intermittently confined to the custody of the Bureau of Prisons, specifically Cumberland County Prison, 1101 Claremont Road, Carlisle, PA, from 7:00 p.m. each Friday until 5:00 p.m. each Sunday, for three consecutive weekends, commencing as directed by the probation officer. The defendant shall report to the Cumberland County Prison pursuant to this schedule and shall comply with the rules of the facility."

Witness: Mary W. Foreman 4-13-05
Mary W. Foreman

Signed: Carmen Rosado
Carmen Rosado 4-13-05

April 13, 2005
Date